

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RONELL JONES,

Plaintiff,

- against -

MICHAEL CAPRA, HEATHER CUSHMAN, and
HOPE VEREEN,

Defendants.
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ORDER OF SERVICE

No. 24-CV-5549 (CS)

CATHY SEIBEL, United States District Judge:

Plaintiff Ronell Jones, who is currently incarcerated at Eastern New York Correctional Facility, filed this civil rights complaint *pro se* under 42 U.S.C. § 1983, alleging that, while incarcerated at Sing Sing Correctional Facility, multiple John Doe Defendants violated his rights. (ECF No. 1.) By Order dated August 16, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. (ECF No. 7.) On August 20, 2024, the Court identified the John Doe Superintendent of Sing Sing Correctional Facility as Michael Capra and issued an Order of Service, instructing the Clerk of Court to issue a summons for Capra. (ECF No. 8.) The Clerk issued the summons, and the U.S. Marshals Service executed service on Capra. Along with the Order of Service, the Court issued a *Valentin* Order, in which it ordered the New York State Attorney General to ascertain the identity and badge number of each of the John Doe Corrections Officers who Plaintiff seeks to sue and the addresses where they may be served. (ECF No. 8 at 3.) The Court also ordered that within thirty days of receiving this information, Plaintiff must file an amended complaint naming the John Doe Defendants. (*Id.*)

On October 18, 2024, the New York State Attorney General provided the names and addresses of two potential defendants: C.O. Heather Cushman and Sgt. Hope Vereen. (ECF No. 12.) On March 3, 2025, after being granted an extension of time to file an amended complaint, Plaintiff filed the Amended Complaint naming the two additional defendants. (ECF No. 23 (“AC”).)

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on assistance from the Court and the U.S. Marshals Service to effect service.¹ *See Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on C.O. Heather Cushman and Sgt. Hope Vereen through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon each of these defendants.

If the AC is not served within 90 days after the date summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the AC and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the summons is issued.

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.


CONCLUSION

The Clerk of Court is instructed to issue a summons for Defendants C.O. Heather Cushman and Sgt. Hope Vereen, complete the USM-285 form with the address for each of these defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

SO ORDERED.

Dated: March 5, 2025
White Plains, New York



CATHY SEIBEL, U.S.D.J.

SERVICE ADDRESS FOR EACH DEFENDANT

1. C.O. Heather Cushman, #59117
ATTN: IRC, Christine Vanca
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
2. SGT. Hope Vereen, #4563
ATTN: IRC, Christine Vanca
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562